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REMARKS

Claims 1-42 are currently pending in the subject application and are presently under consideration. A version of the claims is found at pages 2-9. Independent claims 1 and 35 have been amended herein to further emphasize novel features of the invention already recited in the pending claims. Accordingly, these amendments do not necessitate a new search or any undue effort by the Examiner because they do not present new claimed subject matter. In addition, claim 23 has been amended to cure a minor informality and claim 5 has been canceled herein. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 23, 34-35, and 37-42 Under 35 U.S.C. §102(e)

Claims 1, 23, 34-35, and 37-42 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hays *et al.* (US 6,260,004). Withdrawal of this rejection is respectfully requested for at least the following reasons. Hays *et al.* fails to teach or suggest each and every limitation of the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim.* *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed invention relates to a system for controlling motorized pump and associated motor drive systems. In particular, independent claims 1, 23, 34, 35, 37 and 40 recite similar limitations, namely *a controller providing a control signal to the motor drive.* Hays *et al.* is silent regarding such a novel feature of the claimed invention.

Hays *et al.* relates to a system for diagnosing the operation of a pump system. On page 3 of the Office Action (dated February 9, 2005), the Examiner contends that Hays *et al.* teaches the claimed limitation of *providing a control signal to the motor drive.* At the portion of the

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reference indicated by the Office Action, Hays *et al.* shows a PLC that can issue a control set point to a control valve, thus allowing the valve to control the output from the rotating machine. *See col. 14, lines 59-60.* In no way does the control valve function as a motor drive for the electric motor. As an example to further illustrate this distinction, the motor drive of the claimed invention provides electrical power to a motor in a controlled fashion *according to a control signal*. To the contrary, the reference is directed towards allowing the control valve to regulate the output of fluid from the rotating machine. In addition, instead of providing a control signal to a motor drive as in the claimed invention, Hays *et al.* shows a driver source controller that can be diagnosed for changes in the operation of the system. *See col. 6, lines 46-57.* Nowhere is it shown that the PLC of the cited reference can provide a control signal to the driver source controller. Consequently, Hays *et al.* is silent regarding the claimed limitation of *a controller providing a control signal to the motor drive*.

In view of at least the foregoing, it is readily apparent that Hays *et al.* fails to teach the identical invention in as much detail as is contained in applicants' claims. Accordingly, withdrawal of this rejection with respect to independent claims 1, 23, 34, 35, 37 and 40 (and the claims that depend there from) is respectfully requested.

II. Rejection of Claims 2, 3, 4, 6, 10, 11, 13, 17-22, 24, 25, 27, 30, 31, 33 and 36 Under 35 U.S.C. §103(a)

Claims 2, 3, 4, 6, 10, 11, 13, 17-22, 24, 25, 27, 30, 31, 33 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hays *et al.* in view of Irvin (US 5,742,500). Applicants' representative respectfully requests that this rejection be withdrawn for at least the following reasons.

The subject claims depend from independent claims 1, 23 and 35. As previously discussed with respect to these claims, Hays *et al.* fails to teach or suggest all their limitations. Irvin fails to make up for the shortcomings of Hays *et al.* Irvin relates to control systems and methods for pumping wastewater. Nowhere does the reference disclose the claimed limitations of *selecting a desired operating point within an allowable range of operation about a system setpoint according to performance characteristics associated with a plurality of components in the system and automatically providing a control signal to the motor drive*. Therefore, this rejection should be withdrawn.

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III. Rejection of Claims 5, 7-9, 12, 14-16, 26, 28, 29 and 32 Under 35 U.S.C. §103(a)

Claims 5, 7-9, 12, 14-16, 26, 28, 29 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hays *et al.* in view of Irvin and further in view of Crane (US 4,584,654). Withdrawal of this rejection is respectfully requested for at least the following reasons. The cited references, either alone or in combination, fail to teach or suggest each and every limitation set forth in the subject claims.

The subject claims depend from independent claims 1 and 23, and as discussed *supra* with respect to these claims, Hays *et al.* and Irvin fail to disclose all of their limitations. Crane fails to compensate for the deficiencies of Hays *et al.* and Irvin. Crane relates to a system that monitors a plurality of pumping station components across a network and calculates maximum operating efficiencies for each of the pumping stations. However, nowhere does the reference mention the claimed limitations of *selecting a desired operating point within an allowable range of operation about a system setpoint*, let alone *automatically providing a control signal to the motor drive*. Accordingly, applicants' representative requests that this rejection be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP220USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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